

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ESTATE OF JOSEPH ROMAIN,

Plaintiff,

V.

G. KENNEDY THOMPSON, RUTH G. SHAW,
PETER C. BROWNING, ROBERT A. INGRAM,
MACKEY J. MCDONALD, TIMOTHY D.
PROCTOR, JOHN D. BAKER II, JOHN T.
CASTEEN III, JEROME A. GITT, WILLIAM H.
GOODWIN JR., MARYELLEN C. HERRINGER,
DONALD M. JAMES, JOSEPH NEUBAUER,
ERNEST S. RADY, VAN L. RICHEY, LANTY L.
SMITH and DONA DAVIS YOUNG,

Defendants,

-and-

WACHOVIA CORPORATION, a North Carolina Corporation,

Nominal Defendant.

CIVIL ACTION NO.: 08-cv-6981

NOTICE OF VOLUNTARY DISMISSAL BY PLAINTIFF

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41, the Estate of Joseph Romain, Plaintiff in this action, hereby voluntarily dismisses the above-captioned action without prejudice and without costs. Defendants consent to this dismissal.

Dated: September 29, 2008

MURRAY, FRANK & SAILER LLP

By: _____/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was filed with the Clerk of Court by using CM/ECF, which will electronically transmit and notify all counsel of record on this the 29th day of September 2008. I also certify that the foregoing document is being served this day on all counsel of record identified via transmission of Notices of Electronic Filing generated by CM/ECF, and by electronic mail to counsel identified below.

Dated: September 29, 2008

By: _____/s/_____
Brian P. Murray (BM 9954)

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